



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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Chief Administrative Officer

Board of Supervisors
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First District

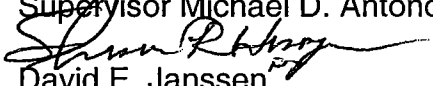
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August 23, 2005

To: Supervisor Gloria Molina, Chair
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich
From: 
David E. Janssen
Chief Administrative Officer

 Steve Cooley
District Attorney

 Raymond G. Fortner, Jr.
County Counsel

CODE ENFORCEMENT PROSECUTION - BIENNIAL REPORT

On November 30, 2004, your Board instructed the Chief Administrative Office (CAO), with the assistance of the District Attorney and County Counsel, to provide a biennial report to the Board on the effectiveness of the new prosecution units within the District Attorney and County Counsel, including the status of efforts by County Counsel to pursue civil remedies for code enforcement violations. This initial Biennial Report covers the period January 2005 through June 2005, and subsequent reports will cover succeeding six month periods.

The Report includes information related to the staffing of the District Attorney and County Counsel code enforcement operations, efforts underway with involved County departments to further integrate operations into the County's code enforcement system, the necessary collaboration required between the District Attorney and County Counsel to ensure effective code enforcement prosecution, and data gathering for purposes of providing workload indicators in subsequent Biennial Reports.

District Attorney Code Enforcement Section

On January 14, 2005, District Attorney Cooley advised your Board of the appointment of Michael Noyes as the Deputy-in-Charge of the Code Enforcement Section. In addition, the District Attorney outlined plans to begin working with the Departments of Regional Planning and Public Works to train staff in criminal investigation and prosecution of code enforcement.

On May 24, 2005, District Attorney Cooley updated your Board on activities being undertaken to reestablish the District Attorney Code Enforcement Section. The District Attorney reported that additional staff had been added to the Section including two additional deputy district attorneys, a supervising investigator and a senior investigator, as well as clerical support. One additional senior investigator has since been added and three additional investigators will be added over the next few months. The District Attorney Code Enforcement Section is located in downtown Los Angeles at 201 North Figueroa Street, 15th floor.

The District Attorney actively participates in community meetings and County working groups. District Attorney staff has met individually with your Board deputies, code enforcement staff from involved County departments, and the County Counsel Code Enforcement Unit to discuss various issues related to improving the County's code enforcement system. District Attorney staff has made numerous field visits with staff from the Departments of Regional Planning and Public Works. In addition, meetings have been held with County staff to discuss the preparation of code enforcement cases for prosecution.

The District Attorney Code Enforcement Section and County Counsel Code Enforcement Unit played an integral role in the development and implementation of the County's initial Code Enforcement Training Conference. The District Attorney and County Counsel were part of the County Code Enforcement Team responsible for the development of the training materials and Conference Agenda. The Conference is discussed in further detail in the body of this report.

County Counsel Code Enforcement Unit

On January 21, 2005, the CAO and County Counsel reported to your Board on the status of amendments to the County Code to establish administrative fines and noncompliance fees as a means of enhancing the County's ability to achieve code enforcement compliance through civil proceedings and the status of the County Counsel Code Enforcement Unit (CCCEU). As part of an overall comprehensive plan to develop a more effective code enforcement program within the County, the CCCEU was formed on February 1, 2005. The CCCEU is comprised of three attorneys: Sari Steel, Paul Kim, and

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Dusan Pavlovic. Consistent with the staffing levels approved by your Board, the unit plans to add a paralegal and a legal secretary. Since its inception, the CCCEU has been working diligently to develop a results-oriented approach to code enforcement that is based on improved coordination, cooperation, communication, and consistent application of the County's civil code enforcement remedies.

In order to determine and assess the most effective coordinated team approach to solving code enforcement problems, the CCCEU has been meeting with senior level management of various County departments and agencies, including the CAO, Regional Planning, Public Works, Health, Fire, Treasurer and Tax Collector, and the Los Angeles County Sheriff's Community Oriented Policing Services (COPS) Unit. The CCCEU has also met with staff from each of your Board offices to acquire knowledge related to code enforcement issues unique to each unincorporated community. In addition, the CCCEU attends Nuisance Abatement Team (NAT) and Neighborhood Enhancement Team (NET) meetings, Florence-Firestone Community Enhancement Team (FFCET) meetings, and Residential Placement Group meetings. The CCCEU has also met with or contacted other public agencies, including the Los Angeles City Attorney and other county counsel and city attorney offices in California to gather information concerning code enforcement strategies and best practices.

In order to bring consistency among the County's code enforcement departments and agencies, the CCCEU is working with the CAO to develop standardized code enforcement forms, guidelines, policies, and procedures for use by multiple departments. The CCCEU will assist the CAO on the implementation of the County's civil penalty ordinance.

The CCCEU is handling cases emerging from communities throughout Los Angeles County. Existing cases cover a wide range of issues, ranging from residential and commercial properties with chronic junk, salvage, and debris to medical marijuana dispensaries. Other cases involve elderly property owners whose competence is questionable and ability to remedy their violations is limited. In these cases, the CCCEU has made referrals to appropriate County social service agencies, such as Adult Protective Services, Geriatric Evaluation Network Encompassing Service, Information and Support, and the Public Guardian. In addition, the CCCEU has been very active in advising departments on matters such as traffic calming devices, review and revision of ordinances, illegal dumping, code interpretation, lead abatement, and homelessness.

Coordination Issues: District Attorney and County Counsel

Efforts continue to implement the objectives of the County Strategic Plan Goal 6 (Enhanced Community Services) Strategy 1 (Integrated Code Enforcement). The District Attorney and County Counsel have coordinated efforts on resolving code enforcement issues and meet regularly and often attend the same community and NAT/NET meetings. The respective units have also convened to discuss the most effective strategies to solve the most problematic and complex code enforcement cases. In addition, the District Attorney and County Counsel units have held joint case review sessions for various County departments.

On June 30, 2005, the Director of Regional Planning updated your Board on the status of the Integrated Code Enforcement Initiative, including efforts to provide County code enforcement staff with cross-training related to the code enforcement issues handled by other County departments and developing prosecutable cases for processing by County Counsel and the District Attorney. The District Attorney's Code Enforcement Unit and CCCEU worked collaboratively with staff from the CAO and other involved County departments to develop the curriculum and materials for the County's initial Code Enforcement Training Conference. As previously reported, the first of two semi-annual Conferences was held on May 23, 2005 at the Los Angeles County Arboretum. Surveys completed by attendees suggest that more than 70 percent of the participants rated the Conference as either "very useful" or "extremely useful." The survey results also provided some valuable comments on improving the second planned Conference scheduled for November 16, 2005. The District Attorney and County Counsel units will work together in preparation of the second Code Enforcement Training Conference. The November Conference will include training material to be presented by the District Attorney related to investigating code enforcement cases and by County Counsel regarding the emerging role of County Counsel in the County's code enforcement system.

Based on a review of best practices and trends in code enforcement, the County's code enforcement system must include both a civil and criminal component. The District Attorney and County Counsel desire to achieve voluntary compliance and abatement of nuisance conditions by the violator. Criminal prosecution may be necessary in certain circumstances and more appropriate than initiating a civil cause of action. Conversely, certain cases will best be handled through the civil component of the County's code enforcement program.

Many factors must be considered when a County department is referring a case to the District Attorney or County Counsel. One of the most important considerations to be made is whether a criminal prosecution or civil action would produce the desired result. Most code violators tend to fear jail time more than paying a civil fine and will comply with the respective code when faced with criminal prosecution. However, even a successful criminal prosecution may not clean up a property or fully mitigate all of the impacts that a particular location has on the quality of life of the affected neighborhood.

Experience suggests that another key factor in pursuing prosecution of code enforcement cases is the disposition of the alleged violator. If the violator is elderly or mentally or physically disabled, it may not be appropriate or effective to criminally prosecute that individual. If the violator is a recalcitrant person who has expressed that he or she does not care about code compliance, and/or if monetary fines and penalties have had little or no impact or appear merely to be a cost of doing business, the matter should be referred to the District Attorney.

Other factors to consider in determining the preferred method of prosecution include:

- The presence of sufficient evidence to meet the criminal standard of "proof beyond a reasonable doubt," which is a higher standard of proof than what is required in civil code enforcement proceedings;
- Past success or failure of a criminal prosecution;
- Property that has any equity for a receivership or property rehabilitation may be more suitable for civil action; and
- Violators represented by counsel who may be willing to work with the involved County departments and County Counsel to achieve voluntary compliance.

In certain circumstances, both civil and criminal remedies should be pursued. If a prosecution does not achieve the desired result, the County has the option to send a message to the violator and to the community that the particular activity being prosecuted will not be tolerated. The threat of defending against both a criminal prosecution and civil action may get the attention of the violator and provide for a sense of improved quality of life in the community. The most effective means to ensure that the residents of Los Angeles County will receive a comprehensive approach to code enforcement is for both the District Attorney and County Counsel units to coexist and work together to achieve the greatest chance for a favorable outcome in the civil or criminal system.

Future Code Enforcement Prosecution - Biannual Reports

Your Board previously indicated that in addition to providing an update of the working relationship between County Counsel and the District Attorney and the efforts to train County departments in the area of code enforcement, the biannual report include information including:

- Number of cases handled by County Counsel
- Number of cases referred to the District Attorney
- Number of prosecutions by County Counsel
- Number of prosecutions by the District Attorney
- Disposition of the cases handled by County Counsel and the District Attorney

Due to the emerging nature of the District Attorney and County Counsel efforts during the period January 2005 through June 2005, including the joint planning, community research, participation in code enforcement teams, and training efforts described in this report, the respective units propose to include the above data for the period covering July 2005 through December 2005 in the January 2006 Biannual Report. Both units are implementing case tracking protocols and systems that will allow for the capture and reporting of the caseloads of each respective unit.

Conclusion

The activities described in this Report suggest that the County's code enforcement system has been strengthened by the actions taken by your Board to enhance the resources available for prosecution of code enforcement cases. A number of substantive matters were handled by both units during the Report period. The respective units are working in a collaborative manner to develop policy and procedures for involved County departments to use in the preparation of code enforcement cases for prosecution. In addition, the District Attorney and County Counsel are developing a review process to determine the most effective means to prosecute code enforcement cases. Training efforts for the County's code enforcement staff have been successfully initiated and additional training opportunities have been planned. The period of July 2005 through December 2005 should provide opportunities for the District Attorney and County Counsel to work in collaboration with involved County departments to further enhance the County's code enforcement system. We will report back to your Board at the conclusion of this period and provide a more comprehensive analysis of case processing and the outcome of other initiatives undertaken in this regard.

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If you have any questions, please contact one of us, or your staff may contact Michael Noyes of the District Attorney's office at (213) 580-8732 or Sari Steel of the County Counsel's office at (213) 974-1332.

DEJ:SC:RGF
MKZ:DD:os

c: Executive Officer, Board of Supervisors